



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-080

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. Section NR 331.04 (1) (intro.) should be written in the active voice--“The department shall evaluate”

b. In s. NR 331.06 (2) (a) 3., the word “should” should be deleted and replaced with “shall.” In sub. (2) (a) 5. (intro.), the bracket should be replaced by a period. Periods should be added after the items listed in sub. (2) (a) 5. a. to d.

c. In s. NR 331.06 (2) (b) 4., “i.e.” should be deleted and replaced with “such as” or “including.” Throughout the rule, abbreviations such as “e.g.,” “i.e.” and “etc.” should be deleted. [See s. 1.01 (8), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. NR 331.04 (1) (b), the word “thoroughly” is a rhetorical flourish and should be deleted. The entire rule should be reviewed for this problem.

b. It appears that the material in s. NR 331.04 (1) (d) should be moved to the end of sub. (1) (c) since the material is related to the subject matter of sub. (1) (c).

c. In s. NR 331.04 (1) (e), the word “Some” should be deleted.

d. In s. NR 331.04 (2), the title should be removed since a title is not used for sub. (1). Also, the phrase “It should be recognized that” should be deleted, and the phrase “these circumstances” should be changed to “The circumstances under sub. (1).” Also, will the revision be accomplished through promulgation of a rule? [See ss. 227.01 (13) and 227.10 (1), Stats.]

e. In s. NR 331.05, words such as “heretofore” and “hereafter” should be avoided. [See s. 1.01 (9) (c), Manual.]

f. In s. NR 331.06 (2) (a) 4., the clarity of this section may be improved by deleting the current phrase and replacing it with the phrase “Aerial photographs of the site, if available.” Similarly, the clarity of sub. (2) (a) 5. may be improved by inserting “if readily available to the department,” between “site-drainage area” and “including all of the following,” and deleting the phrase after the colon.

g. In s. NR 331.06 (2) (a) 6., “- For example” should be replaced with “, including.”

h. For readability, in s. NR 331.06 (2) (b) 1., the material after “fish passage” should be deleted and replaced with “, including free passage of all species, reintroducing paddlefish to historic spawning habitat, and increasing riverine habitat available to threatened or endangered species.”

i. In s. NR 331.06 (2) (b) 2., “some” should be replaced by “an.” The note should be set apart in a separate paragraph under sub. (2) (b) 2.

j. Should s. NR 331.06 (2) (b) 3. say “The seasonal migration period,”? What does “passive vs. active” means in the context of this subdivision?

k. In s. NR 331.06 (2) (b) 5., the phrase “Swimming speed information of” should be placed at the beginning of the sentence and a period should be inserted after “interest.”

l. In s. NR 331.06 (2) (c) 1., slashed alternatives such as “cost/design” should not be used; either “and” or “or” should be used depending upon which word is appropriate. This problem also occurs in s. NR 331.07 (3) by using “and/or.” If the thought to be expressed involves a choice between one of two alternatives, or both, the proper phrasing to be used is “_____ or _____, or both.” In s. NR 331.06 (2) (c) 1., the word “it” should be deleted and replaced with “the department.”

m. In s. NR 331.06 (3) (intro.), the phrase “the development of” is not needed and should be deleted.

n. In s. NR 331.06 (4), what are “appropriate news media”?

o. In the second sentence of s. NR 331.07 (4) (intro.), “are” should be inserted between “but” and “not,” and “be” should be deleted.

p. It is unclear in s. NR 331.07 (4) (b) what factors the department will use to determine whether a cost is necessary.

q. Will the guidelines mentioned in s. NR 331.08 be promulgated as a rule? [See ss. 227.01 (13) and 227.10 (1), Stats.]